

REMARKS/ARGUMENTS

Claim 14 is pending. Claims 10 to 13 are cancelled without prejudice or disclaimer. New Claim 14 has been added.

Claim 14 is directed to a method for preventing an influenza virus infection in a warm-blooded animal, by administering to such animal a therapeutically effective amount of a composition comprising an agent selected from ambroxol, bromhexin, the pharmaceutically acceptable salts of ambroxol or bromhexine and combinations thereof, and an additive. Support for this subject matter can be found on pages 8-11 of the present specification, and generally throughout the specification.

US Patent No. 5,885,594 (hereinafter "Nilsen") discloses oral compositions having enhanced mouthfeel, and methods of improving mouthfeel in oral compositions. WO 95/07103 (hereinafter "Mitra") discloses methods and compositions for treating cold, cold-like and/or flu symptoms, all of which are based on nonsteroidal anti-inflammatory agents as key ingredients, the possibility to add further "expectorants" into the composition, and amongst the vast disclosed "laundry-list" are ambroxol and bromhexine. Neither reference discloses preventing an influenza virus infection. Nor does either teach, suggest or motivate one skilled in the art to modified their teachings to arrive at the presently claimed invention. In fact, both references only disclose treating or mitigating the cold-like and/or flu symptoms. Thus, they do not address treating the disease, but instead address relieving the symptoms caused by the diseased. Something that only masks or reduces the symptoms, but does not treat the underlying disease causing the symptoms, clearly cannot be used in a prophylactic manner to prevent the disease. Accordingly, Applicants respectfully suggest that the present application is patentable over the cited art, and respectfully request the issuance of a Notice of Allowance.

Application No. 10/790,448
Response dated March 18, 2008
Reply to Office action of September 25, 2007

In view of the above, Applicants respectfully submit that all objections and rejections have been addressed and that the application is now in condition for allowance. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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